

PROPOSED AMENDMENT TO THE DRAWINGS

Applicant proposes to amend Figure 10 as show in red as follows:

add frame 300;
add numeral 300 and lead lines.

REMARKS

The drawings are objected to as failing to comply with 37CFR 1.84(p)(5) because they include reference characters 105 and 203 not mentioned in the description. Applicants respectfully traverse the objection to the drawings; however, to eliminate this issue the following action is taken. The specification on page 12, lines 11-18 is amended to identify the coating 105 in Fig. 10. Support for the amendment to page 12, lines 11-18 of the specification is found, among other places, in Fig. 10 and page 6, lines 1-6 of the specification. The specification on page 31, lines 16-19 is amended by deleting "202" and inserting - -203- - to correctly reference the peripheral groove.

Based on the forgoing, applicants respectfully request admittance of the amendments to 12 and 31 of the specification and withdrawal of the objection to the drawings as failing to comply with 37 CFR 1.84(p)(5).

The disclosure is objected to because the numeral 18 is used to denote a "compartment" as well as "legs". And the term "rabbit" as recited in the specification and claims should be changed to - -rabbet- -. To overcome the objection to the specification, the disclosure on page 33, lines 13-24 is amended to change the numeral "18" to - -156- -, and the paragraph on page 30 is amended to change "rabbit" to - -rabbet- -. Support for the amendments to pages 30 and 33 is found, among other places, in the specification. Based on the forgoing, applicants respectfully request admission of the amendments to pages 30 and 33, and withdrawal of the objection to the disclosure.

Applicants propose to amend Fig. 10 by adding the frame 300 around the unit 150. Support for the proposed amendment to Fig. 10 is found, among other places, on page 28, lines 1-8, of the specification. Applicants have amended the specification at page 28, lines 1-8 to more positively reference amended Fig.10. Support for the amendment to the specification and to the drawing is found, among other places, in Fig. 10 and page 28, lines 1-8 of the specification.

Based on the forgoing, applicants respectfully request admittance of the amendment to the specification, and approval of the proposed amendment to Fig. 10.

The specification is further objected to as failing to provide antecedent basis for "window sash" or "structural frame" or for "securing member." Applicants respectfully traverse the objection to the specification and submit that the amendments to the drawing and the specification provide an antecedent basis for "window sash" or "structural frame" or for "securing member." More particularly, the frame 300 added to Fig. 10 is a window sash, the spacer frame 158 in Fig. 10, which separates the glass sheets 12 and 14 is a structural frame, and the legs of the frame 300 shown in Fig. 10 are "securing members."

Based on the forgoing, applicants respectfully request withdrawal of the objection to the specification.

Claims 33-68 are in the instant application. Claims 34-36, 43, 45, 46, 49, 58, 59, 61, 62, 65 and 66 are cancelled without prejudice. Claims 33, 37, 50, 56, and 57 are amended to more positively set forth applicants' patentably novel window. No claims are allowed or indicated allowable.

Claims 37-42, 44, 47, 48, 50-57, 60, 63, 64, 67 and 68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejection of claims 37-42, 44, 47, 48, 50-57, 60, 63, 64, 67 and 68 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, however, to reduce the issues, claim 37 on which claims 38-42, 44, 47 and 48 are dependent is amended; claim 50 on which claims 51-57, 60, 63, 64, 67 and 68 are dependent is amended, and claims 56 and 67 are amended.

The Office Action alleges that the specification does not appear clear and complete as to "a securing member engaging at least marginal edge portions of outside major surface of one of the first and second panes (claims 44 and 60). Shown in amended Fig. 10 the legs of the frame 300 engage the outer marginal edges of the panes 12 and 14.

The Office Action further alleges that “the peripheral edges of the first and second sheets out of direct contact with at least a portion of the structural frame between the first and second planes” (claim 50). As shown in Fig. 10 the peripheral edges of the panes 12 and 14 are not in direct contact with the frame separating the glass panes.

The Office Action further alleges that the specification does not appear clear and complete as to “the ends of the first upright member of the segments are independent of the ends of the second upright members of the segments to preclude the transfer of stresses between the first upright members and the second upright members of the segments” (claims 37 and 50). To eliminate this issue, claims 37 and 50 are each amended in one form or another to recite that the legs, e.g. the legs 156 at the view area are spaced from and out of contact with one another as shown in Fig. 10. In this manner movement of the end of one legs at the viewing area does not move the end of the other leg at the viewing area, thereby not transferring stresses between the ends of the legs at the viewing area.

The Office Action alleges that the specification does not disclose “the glazing panes are isolated from one another and function independently with respect to stresses”, (claim 37). The specification teaches that the spacer frame has a U-shaped which inherently provides for the panes to independently move toward and away from one another making them independent of one another with respect to stresses.

The Office Action alleges that the specification does not appear to have originally disclosed “...such that the entire first glazing sheet fits within the inside perimeter of the sash in facing relationship to the first window and the entire second glazing sheet fits within the inside perimeter of the sash in facing relationship to the second plane” (claims 37 and 50). Applicants respectfully submit that Amended Fig. 10 shows a frame or sash 300 which is a sash having a U shape with the inside surface of the base of the U providing the inside perimeter of the sash. The panes 12 and 14 fit inside the frame and the outer surface of the legs of the U-shaped channel 156 (see Fig. 10) provide the first

and second planes and the first sheet 12 and the second sheet 14 are in facing relationship to the outer surface of the legs of the channel 156, and therefore in facing relationship to the first and second planes, respectively.

Based on the forgoing, applicants respectfully request withdrawal of the rejection of claims 37-42, 44, 47, 48, 50-57, 60, 63, 64, 67 and 68 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 33, 37-42, 44, 47, 48, 50-57, 60, 63, 64, 67 and 68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse the rejection of claims 33, 37-42, 44, 47, 48, 50-57, 60, 63, 64, 67 and 68 under 35 U.S.C. 112, second paragraph, however, to reduce the issues, the following action is taken. Claim 33 at line 25 is amended to recite "...other one of the glazing legs." Claim 34 at line 2 is amended to recite "... between the glazing legs." The Office Action alleges that the recitation on lines 59-62 of claim 37 does not appear clear and complete in the specification. Applicants have amended claim 37 at lines 59-62, and the amendment was discussed above. The feature recited on claim 37, lines 59-62 is better appreciated by comparing Figs. 1 (prior art) and 10 (unit of invention) of the specification. The specification teaches that the U-shaped member 158 only pass heat through the base 157. It is inherent in the design that the U-shaped member also removes stress from moving from the top of one leg to the top of the other leg. The box type frame shown in Fig. 1 does not have these features.

Regarding claim 44, the "securing member" recited in the claim is the upright leg of the frame 300 engaging the outer marginal edges of the sheets 12 and 14. Regarding claims 50 and 60, the glass panes 12 and 14 are secured to the legs of the U-shaped member 156 by a layer of adhesive. Therefore the panes are in contact with the legs of the U-shape member by way of the layers of adhesive and are therefore "out of direct contact" with the structural frame or U-shaped member. Claims 56 and 57 are each amended to recite "...selected from the group consisting essentially of..."

Based on the forgoing, applicants respectfully request withdrawal of the rejection of claims 33-44, 47-60 and 63-68 under 35 U.S.C. 112, second paragraph.

Claims 33, 37, 38, 44, 50, 51, 53, 60, 67 and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart et al U.S. Patent No. 3,771,276 (hereinafter also referred to as "Stewart"). Applicants respectfully traverse the rejection of claims 33, 37, 38, 44, 50, 51, 53, 60, 67 and 68 under 35 U.S.C. 102(b) as being anticipated by Stewart; however to eliminate this issue claims 33, 37 and 50 are amended to recite in one form or another that the adhesive is adhered to a surface between the legs. Support for the amendments to claims 33, 37 and 50 is found, among other places, in the specification at page 9, lines 14-22. Applicants respectfully request admission of the amendments to claims 33, 37 and 50, and requests reconsideration of claims 33, 37, 38, 44, 50, 51, 53, 60, 67 and 68.

Applicants respectfully submit that Stewart does not teach that the matrix having the desiccant is an adhesive, and is adhered to a surface between the legs of the spacer 16. The preformed matrix having desiccant used by Stewart is referenced on page 29, lines 21 and 22 of the specification. Since Stewart does not teach this feature of Applicants' claims, Stewart can not anticipate the subject matter of applicants' claims. Based on the forgoing Applicants respectfully request withdrawal of the rejection of claims 33, 37, 38, 44, 50, 51, 53, 60, 67 and 68 under 35 U.S.C. 102(b) as being anticipated by Stewart.

Claims 33, 37-42, 44, 50-57, 60, 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowser et al. U.S. Patent No. 3,919,023 (hereinafter also referred to as "Bowser") in view of Bayer U.S. Patent No. 3,026,582 (hereinafter also referred to as "Bayer"). Applicants respectfully traverse the rejection of claims 33, 37-42, 44, 50-57, 60, 67 and 68 under 35 U.S.C. 103(a) as being unpatentable over Bowser in view of Bayer and request reconsideration thereof.

Claim 33 recites that the panes are isolated from one another and function independently of one another. In the combination of Bowser and Bayer the movement of the panes is not isolated from one another. More particularly, the matrix of Bowser transfers movement of one of the glass panes between the legs of the spacer to the other glass pane, and the bridge member of Bayer transfer movement of one glass to the other glass pane. Further claims 33, 37 (having claims 38-42 and 44 dependent thereon) and 50 (having claims 51-57, 60 67 and 68) each recite that a desiccant in an adhesive is adhered to the frame between the legs. This feature is not shown or disclosed in Bowser and/or Bayer.

Based on the forgoing, applicants respectfully submit that the combination of Bowser and Bayer does not render obvious the subject matter of claims 33, 37-42, 44, 50-57, 60, 67 and 68. Based on the forgoing, applicants respectfully request withdrawal of the rejected of claims 33, 37-42, 44, 50-57, 60, 67 and 68 under 35 U.S.C. 103(a) as being unpatentable over Bowser in view of Bayer.

Claims 47, 48, 63, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowser in view of Bayer as applied to claims 33, 37-42, 44, 50-57, 60, 67 and 68 above, and further in view of any of Derner et al. U.S. Patent No. 3,935,683 (hereinafter also referred to as "Derner"), Krysiak et al. U.S. Patent No. 5,270,091 (hereinafter also referred to as "Krysiak") and Mitchell U.S. Patent No. 3,896,589 (hereinafter also referred to as "Mitchell"). Applicants respectfully traverse the rejection of claims 47, 48, 63, and 64 under 35 U.S.C. 103(a) as being unpatentable over Bowser in view of Bayer as applied to claims 33, 37-42, 44, 50-57, 60, 67 and 68 above, and further in view of any of Derner, Krysiak and Mitchell.

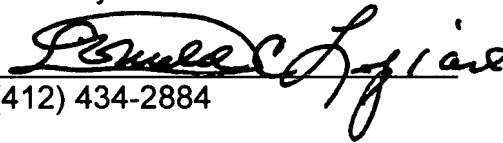
Claims 47 and 48 are dependent on claim 37, and claims 63 and 64 are dependent on claim 50. Claims 37 and 59, Bowers and Bayer were discussed above. Applicants have shown above that Bowser and Bayer do no disclose the subject matter of claims 37 and 50, and applicants respectfully submit that Derner, Krysiak and Mitchell who at best disclose a plastic spacer do not cure the defects of Bowser and Bayer.

Based on the forgoing, applicants respectfully request withdrawal of the rejection of claims 47, 48, 63, and 64 under 35 U.S.C. 103(a) as being unpatentable over Bowser in view of Bayer as applied to claims 33, 34, 36-42, 44-46, 50-58, 62-62, 65, 67, and 68 above, and further in view of any of Derner, Krysiak and Mitchell, and request allowance of claims 33, 37-42, 44, 47, 48, 50-57, 60, 63, 64, 67 and 68.

This amendment represents a sincere effort to place this case in condition for allowance. In the event issues remain, the Examiner is invited to call Andrew Siminerio at 412-434-4645, or the undersigned to discuss those issues before further action is taken on the application.

Respectfully submitted,

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